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Chairman: Mr. Gómez Robledo ..... (Mexico)

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The meeting was called to order at 5 p.m.

Agenda item 79: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/C.6/61/L.10 and Corr.1)

1. **Ms. Negm** (Egypt), introducing draft resolution A/C.6/61/L.10 and Corr.1 on behalf of the Bureau, said that the text was based on the resolution adopted at the previous session but incorporated a number of changes. The tenth preambular paragraph and operative paragraph 3 referred to the recent adoption of the revised working papers on the working methods of the Special Committee. Paragraph 8 requested the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations. Paragraph 11 had been introduced to reiterate the responsibility of the Secretary-General for the quality of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and to request him to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952 (A/2170). Paragraph 15 had been introduced to request the Secretary-General to submit to the Special Committee for its consideration the information referred to in paragraph 12 of his report on implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/61/304).

2. **Mr. Mikulka** (Secretary of the Committee), referring to the programme budget implications of the draft resolution, said that, under the terms of paragraph 2, the Special Committee would hold its next session from 7 to 16 February 2007. It would hold a total of 14 meetings with simultaneous interpretation in all six languages. Twenty-five pages of pre-session, 55 pages of in-session and 55 pages of post-session documentation would be required, to be issued in all six languages. The total cost for conference servicing and documentation for the session was estimated at $433,252 at current rates. Since the session had already been programmed in the calendar of conferences and meetings for 2007, no additional resources would be required.

3. The cost of distributing the advisory opinions of the International Court of Justice in all six official languages, in accordance with paragraph 8 of the draft resolution, was estimated at $427,770 at current rates. It was understood that the advisory opinions would be distributed as and when capacity became available. Therefore, implementation of paragraph 8 would not entail any additional financial implications.

4. *Draft resolution A/C.6/61/L.10 and Corr.1 was adopted.*

5. **Mr. Fitschen** (Germany), speaking in explanation of position, noted that the list of documents in footnote 6, which pertained to paragraph 4 (b) of the draft resolution, did not include the latest relevant report of the Secretary-General (A/61/304). That paragraph set out the terms of reference for the future work of the Special Committee, and the omission of the aforementioned document might be taken as a deliberate exclusion. His delegation had not pressed for a formal amendment of the text because it had wished to avoid delaying the completion of the Committee's work. It had therefore joined the consensus on the draft resolution on the understanding that neither any delegation nor the Committee as a whole would be precluded from considering or referring to the document in the future.

6. **Mr. Tajima** (Japan), speaking in explanation of position, said that, while his Government supported the request for distribution of the advisory opinions of the International Court of Justice under the terms of paragraph 8 of the draft resolution, the introduction of a new mechanism could have budget implications. The ongoing need for more efficient use of resources within the context of United Nations reform should be borne in mind. His delegation welcomed the Secretary's statement in that regard and wished to stress that it had joined the consensus on the draft resolution on the understanding that it would be implemented within existing resources.

Agenda item 80: The rule of law at the national and international levels (*continued*) (A/C.6/61/L.18)

7. **The Chairman**, introducing draft resolution A/C.6/61/L.18, suggested that the words "for submission at its sixty-third session" should be added after the words "national and international levels" in paragraph 2. In connection with paragraph 5, it had been the Committee's understanding in its informal consultations that the incoming Chairman of the Committee would hold consultations with Member

States with a view to identifying issues to be addressed under the subtopics chosen for discussion, including the methodology for such discussions.

8. He suggested that, pursuant to rule 120 of the rules of procedure of the General Assembly, the Committee should waive the 24-hour requirement in order to proceed with action on the draft resolution.

9. *It was so decided.*

10. **Mr. Mikulka** (Secretary of the Committee), referring to the programme budget implications of the draft resolution, said it was understood that the interim report mentioned in paragraph 2 would not exceed the 16-page limit prescribed for reports of the Secretary-General. Therefore, no additional cost would be involved. Paragraph 2 also envisaged that an inventory would be issued in all six languages at the sixty-third session. The estimated cost for implementation of that provision was $311,329 at current rates. That requirement would be considered in the context of the preparation of the proposed programme budget for the biennium 2008-2009. Adoption of the draft resolution would not, therefore, give rise to financial implications under the programme budget for the biennium 2006-2007.

11. **The Chairman** said it was the Committee's understanding that the interim report mentioned in paragraph 2 of the draft resolution would contain as complete an inventory as possible within existing resources.

12. **Mr. Tajima** (Japan), speaking in explanation of position, requested confirmation that the report mentioned in paragraph 3 of the draft resolution could be prepared by using the Secretariat's existing capacity and would not, therefore, involve any additional costs. Without such an assurance, his delegation would not be able to join the consensus on the draft resolution.

13. **Mr. Mikulka** (Secretary of the Committee) said that, as his statement had been delivered on behalf of the Secretary-General, he was not at liberty to interpret it. However, he reiterated that the adoption of draft resolution A/C.6/61/L.18 would not give rise to financial implications under the programme budget for the biennium 2006-2007.

14. *Draft resolution A/C.6/61/L.18, as orally revised, was adopted.*

15. **Mr. Elji** (Syrian Arab Republic), speaking in explanation of position, said it was his delegation's understanding that the views of Member States that were to be sought by the Secretariat under the draft resolution would not be limited to the specific issues mentioned. Legal questions were highly complex, and it was for Member States to impose limits, if any, on the scope of the relevant agenda item.

16. Referring to the comments made by the representative of Japan, he said that his delegation objected to the raising of financial issues before the Sixth Committee, since the Committee was a legal and not a financial body.

17. **Ms. Rivero** (Uruguay), speaking in explanation of position, said that her delegation had joined the consensus on the draft resolution on the basis of the English text. The Spanish version, however, required some editorial changes.

18. **The Chairman** requested the representative of Uruguay to submit the necessary changes to the Secretariat.

19. **Mr. Tajima** (Japan), speaking in explanation of position, welcomed the Secretary's assurance that the adoption of the draft resolution had no financial implications at the current stage. However, his delegation might raise the issue again in an appropriate forum.

Item 128: Administration of justice at the United Nations (*continued*) (A/C.6/61/L.12)

20. **The Chairman** said that, pending the views of the Secretary-General on the subject, expected to be communicated in March 2007, the Bureau had prepared a draft decision on the item (A/C.6/61/L.12), in the light of consultations with delegations, which he had further revised to read: "The Sixth Committee decides to hold a resumed session of 10 meetings in March 2007, to continue the consideration of the legal aspects of the report of the Redesign Panel on the United Nations system of administration of justice (A/61/205), taking into account, as appropriate, the comments that will be made by the Secretary-General on the report of the Redesign Panel as well as those that may be made by the Advisory Committee on Administrative and Budgetary Questions (ACABQ)." The purpose of the changes to the original draft decision was to focus on the legal aspects and to allow for the possibility that ACABQ might wish to convey its views on the matter

to the Committee. The Committee did not usually resort to resumed sessions but did so only when it was warranted by special circumstances, as in the present case .

21. **Mr. Mikulka** (Secretary of the Committee) observed that pursuant to the draft decision, the Committee would hold 10 meetings with simultaneous interpretation and summary records in all six languages. Fifteen pages of in-session and 25 pages of post-session documentation would be required, to be issued in all six languages. The conference-servicing requirements for the resumed session of the Committee were estimated to be $388,577 at current rates. That was covered by part of the total meeting-servicing resources already planned and budgeted for the Committee or its subsidiary bodies for 2006-2007 and the draft decision, as orally revised, therefore contained no programme-budget implications for that biennium.

22. **Mr. Elji** (Syrian Arab Republic) said that, as the report of the Redesign Panel had not yet been submitted to the Sixth Committee, it was not correct to say that the Committee would continue its consideration of it. Moreover, as the report had been requested by the Fifth Committee, the Fifth Committee should have some say in the matter, without prejudice to the work of the Sixth Committee. He wondered how any comments by ACABQ, which would not reflect legal considerations, would affect or enrich the work of the Sixth Committee. Other reports might also be submitted under the item, in particular on the views of staff members. He proposed that the draft decision, as orally revised, should be amended to read: "The Sixth Committee decides to hold a resumed session of 10 meetings in March 2007, to continue the consideration of the agenda item on the system of administration of justice at the United Nations."

23. **The Chairman** said it was his understanding that the Fifth Committee would also consider the report at its first resumed session. Since the Secretary-General would not be able to submit comments on the report, particularly on its financial aspects, before March, he had wished to make it clear, through his revision, that the Sixth Committee would concentrate on its legal aspects.

The meeting was suspended at 5.40 p.m. and resumed at 6 p.m.

24. **The Chairman** suggested that, following consultation, the draft decision, as orally revised, should be further amended to reflect the fact that the Committee had not yet begun to consider the report. The first part of the draft decision should therefore read: "The Sixth Committee decides to hold a resumed session of 10 meetings in March 2007, to consider the legal aspects of the report of the Redesign Panel ...". The rest of the draft decision would remain unchanged.

25. *Draft decision A/C.6/61/L.12, as orally revised and amended, was adopted.*

26. **Ms. Wilcox** (United States of America), speaking in explanation of position, said that the United States looked forward to further discussions in the Fifth and Sixth Committees on the administrative and budgetary aspects and the legal aspects, respectively, of the report of the Redesign Panel on the United Nations system of administration of justice, together with the comments of the Secretary-General and ACABQ. The reform of the United Nations system of administration of justice was a matter of great importance and complexity that would affect the Organization and its staff for the next generation. The Committee must therefore proceed with care and reach reasoned conclusions only after due consideration of the issues involved. Her delegation had substantive concerns about the report and saw the resumed session as an opportunity to begin the work of discussing the report but not necessarily of concluding its consideration of the item. She appreciated the Chairman's assurances regarding the resumed session; it was a departure from the Committee's usual practice and should not set a precedent for the future.

27. **Mr. Elji** (Syrian Arab Republic), speaking in explanation of position, said that the question of improvements in the United Nations system of administration of justice had been neglected all too long; it was time to ensure justice for the staff of the Organization. Indeed, that had been one of the main pillars of the reform of human resources management proposed by the Secretary-General; but no substantive action had yet been taken in that regard, even though optimum use of the staff depended on a system of administration of justice in accordance with international norms. He welcomed the inclusion of the item in the agenda of the Sixth Committee, as that would make it possible to consider the legal aspects of the question, as duly reflected in the draft decision. However, that should not restrict the Fifth Committee's

consideration of the item nor be construed to mean that the Fifth Committee would consider the report before the Sixth; their respective Bureaux should decide between them how to proceed, having regard also to other reports that might be submitted under the item, particularly concerning the views of the staff, which should be taken into consideration.

28. **The Chairman** invited the members of the Committee to join him in paying tribute to Mr. Mikulka, Secretary of the Committee, who on 1 March 2007 would take up new responsibilities in the Office of Legal Affairs as Director of the Division for Ocean Affairs and the Law of the Sea. Mr. Mikulka had been involved in the Committee's work for many years, as his country's representative, as the Chairman of the Committee and as its Secretary, and had made an invaluable contribution to the work of the Bureau and of the Committee as a whole. On behalf of the Committee, he expressed deep appreciation of his long-standing services and wished him every success in his new assignment.

The meeting rose at 6.15 p.m.